

# Notice of Allowability

Application No.

09/517,134

Examiner

Nicholas D. Rosen

Applicant(s)

LINKER ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of July 30, 2004.
2. ☒ The allowed claim(s) is/are 1-68.
3. ☒ The drawings filed on 13 April 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Claims 1-68 have been examined.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney John W. Branch on August 13, 2004.

The application has been amended as follows: Claims 69-73 are hereby canceled without prejudice.

### **DETAILED ACTION**

#### ***Allowable Subject Matter***

Claims 1-25 are allowed.

Claim 26 is allowed.

Claims 27-42 are allowed.

Claims 43-58 and 63-66 are allowed

Claims 59-62 are allowed.

Claim 67 is allowed.

Claim 68 is allowed.

The following is an examiner's statement of reasons for allowance. This statement is made with particular reference to claims 59-62, but the other independent claims are allowable on essentially the same grounds as claim 59:

The closest prior art of record, von Rosen et al. (U.S. Patent 6,493,677), discloses a method for enabling a product associated with an image to be ordered over a network, comprising: displaying the image in response to receiving contextual interaction information, the image being associated with information indicating a product that is available for use with the image (Abstract; column 6, lines 42-68; column 9, line 65, through column 10, line 9; Figure 6; Figure 8A; Figure 12); in response to selecting the displayed image, automatically employing the information associated with the image to generate a representation of an available product for the image (column 2, lines 23-39; column 9, line 65, through column 10, line 9; Figure 8A; Figures 9A and 9B); automatically displaying the image and the representation of at least one product that is available for the image in a page (column 5, lines 36-54; column 9, line 65, through column 10, line 9; Figure 8A; Figures 9A and 9B); and if the representation of an available product is selected in the page, enabling the available product for the image to be ordered by a user (column 11, lines 13-33; column 12, lines 14-52). Von Rosen does not expressly the image being associated with information indicating each of a plurality of products available for the image, but even if the claim language is read to specify this, von Rosen discloses creating a variety of customized products "such as t-shirts, cups, billboards, etc." (column 5, lines 51-53).

Von Rosen does not disclose: generating behavior information and preferences in each session for each user; and storing the behavior information and preferences in a profile, each profile being associated with a user. However, Sterling (U.S. Patent 6,466,975) teaches: generating behavior information and preferences in each session for each user; and storing the behavior information and preferences in a profile, each profile being associated with a user (column 2, line 15, through column 4, line 67; column 21, line 56, through column 24, line 58). Von Rosen discloses assigning an apparently temporary identification; employing the temporary identifier to determine when the current user is a repeat user, the repeat user having a previously assigned permanent identifier (column 11, line 43, through column 12, line 13); and if the determination is negative, adding behavior information for the current user to another profile for the current user and saving the temporary identifier to a permanent identifier assigned to the current user. Von Rosen does not disclose if the determination is affirmative, adding behavior information for the current user to a previously created profile for the repeat user, and changing the temporary identifier for the current user to the permanent identifier assigned to the repeat user, but only continuing to process a sale. Sterling teaches identifying a visitor to a website as a known user (column 21, line 56, through column 24, line 58), but does not teach changing a temporary identifier to the permanent identifier, nor does any other prior art of record supply the deficiencies of von Rosen and Sterling.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 703-305-0753. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 703-308-1344. (Wynn Coggins is currently on assignment elsewhere in the Patent Office; the examiner's acting supervisor, Jeffrey Smith, can be reached at 703-308-3588.) The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Non-official/draft communications can be faxed to the examiner at 703-746-5574.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Nicholas D. Rosen*  
NICHOLAS D. ROSEN  
PRIMARY EXAMINER

August 13, 2004